



March 25, 2020

Applicant:

Susie Fung
1425 E. Colorado St.
Glendale, CA 91205

**RE: ADMINISTRATIVE USE PERMIT NO. PAUP 2000334
1425 East Colorado Street ("Arko Foods International")**

The Director of Community Development will render a final decision on or after **March 25, 2020** for the following project:

Project proposal: Application for an Administrative Use Permit (AUP) to allow the continued sale of beer and wine for off-site consumption (ABC Type 20 license) at an existing retail store (food market) in the Neighborhood Commercial (C1) Zone.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That the applicant shall provide training to its personnel regarding the sale of alcoholic beverages to minors or intoxicated persons. Alcoholic Beverage Control staff is available to provide such training.
6. That store display racks with alcoholic beverages shall be positioned such that they are in clear line of sight by business management and staff with no restricted view.

7. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
8. That interior signs shall be posted, clearly stating that no sale of alcoholic beverages will be made to minors or intoxicated persons.
9. That a sign shall be posted on the interior of the establishment in a location clearly visible to customers giving notice that the consumption of alcoholic beverages on the premises is prohibited.
10. That alcoholic beverage display areas shall be appropriately lit.
11. That the sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
12. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
13. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming an alcoholic beverage on the property, adjacent properties, or otherwise making disturbances in the area.
14. That signs shall be posted, indicating that no loitering or trespassing are allowed on the premises.
15. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
16. That the business adheres to the City of Glendale's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
17. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
18. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

PROJECT BACKGROUND

Previous Permits for the Site:

Building Permit Number 08591 was issued on July 12, 1960 for an approximately 7,000 square-foot (SF) one-story bank building. Approved building plans indicate there was also a mezzanine. The Certificate of Use & Occupancy was issued January 23, 1961.

Lot Line Adjustment Case Number 1540-A was processed on March 25, 1988, subject to recordation of a Certificate of Compliance, which was recorded on July 1, 1988 (County Recorder Document Number 88 1043320).

Administrative Exception Case Number 10589-AE was approved on October 23, 2003 allowing a partial enclosure for electrical transformer equipment.

Conditional Use Permit Case Number 10580-CU was approved with conditions on December 22, 2003 to allow the sale of alcohol at a food store for off-site consumption.

Conditional Use Permit Case Number 2011-011 was approved with conditions on November 8, 2011 to allow the off-site sale of beer and wine at a food market.

Related Concurrent Permit Application(s): No related concurrent applications are being processed for the subject site.

Environmental Recommendation:

The project is exempt from CEQA review pursuant to State CEQA Guidelines Section 15301, Class 1 - Existing Facilities, because the discretionary permit request is to allow the sale of beer and wine for an existing retail use within an existing building.

General Plan:

Land Use Element: Neighborhood Commercial

Zone:

Neighborhood Commercial (C1) Zone

Description of existing property and uses:

The subject site consists of an approximately 31,520 SF lot located at the intersection of East Colorado Street and Langley Street (just east of Verdugo Road). The lot is developed with a two-story commercial building constructed in 1961 and currently occupied by “Arko Foods International,” a retail store (food market).

Neighboring zones and uses:

	Zoning	Existing Uses
North	R1 (Low Density Residential)	Glendale High School (Glendale Unified School District)
South	C1 and C3-I (Commercial Service)	One-story commercial
East	C1	Two-story commercial
West	C1	Two-story commercial
Project Site	C1	Two-story commercial

COMMENTS FROM OTHER CITY DEPARTMENTS: The Neighborhood Services Division had no comments regarding the project. The Police Department commented that there were a few calls within the last year for police service at the subject site, but none of the calls were directly related to the sale of alcoholic beverages; therefore, the Police Department recommended

standard conditions recommended for all projects which have been incorporated into the Draft Conditions.

The applicant's request to allow the continued sale of beer and wine for off-site consumption is supportable based on the facts surrounding this application and the findings as described below.

DRAFT FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the General Plan. The project site is located within the Neighborhood Commercial (C1) Zone, which is intended as a zone for small shopping centers, professional buildings, service centers, and other commercial activities providing convenience goods and services to the surrounding residential neighborhood. An 8,000 SF food market that sells beer and wine for off-site consumption is compatible with the zone, as typically the alcohol will be sold along with other food products.

No operational or physical changes are proposed to the use or site; therefore, there are no changes that will result in inconsistency with any other Elements of the General Plan, including the Housing, Circulation, Historic Preservation, Noise, Safety, or Open Space and Conservation Elements. The conditions of approval placed on the project will ensure the project does not contribute to local crime.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The continued sale of beer and wine for off-site consumption, in compliance with the conditions of approval, is not anticipated to be detrimental to the public health, safety, general welfare, or environment. The subject food market has been selling beer and wine at this location for over 15 years, and the continued use is not anticipated to result in detrimental impacts. The Police Department indicates that within the past year, there have been no calls for police service related to alcohol at the location.

The proposed AUP has been reviewed by the Neighborhood Services Division and Police Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. The Neighborhood Services Division had no comments regarding the proposed project. The Police Department reviewed the project and reported it is located in census tract 3021.04, where the suggested limit by ABC for off-sale (sale of beer and wine for off-site consumption) establishments is two. Currently, there are three off-sale establishment licenses located in this tract, including the applicant's license. Based on arrests and Part 1 (violent and property) crime statistics in year 2019 for this census tract, there were 208 crimes, which is 25% above the citywide average of 167. The Police Department recommended standard conditions of approval to prevent any negative impacts to the community from the sale of beer and wine, most of which have been included in the staff recommendation. Staff does not recommend imposing conditions that restrict the hours during which alcohol may be sold, nor on the sale of individual units of alcohol, since there have been no alcohol-related police service calls at the site and there are numerous other conditions of approval included that address preventing the on-site consumption of alcohol.

Given these facts, the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The continued sale of beer and wine for off-site consumption will not conflict with the adjacent land uses. The building is located along a major commercial boulevard that is already developed with similar uses; thus it is compatible with existing development. The sale of beer and wine has been occurring at the site since 2003 and has not been in conflict with the adjacent uses. Further, the use is incidental to the primary food market use, and any potential negative impacts to the neighborhood will be mitigated or prevented by the conditions of approval. The sale of beer and wine will not impede the normal development of surrounding property because it is a complementary use to surrounding development. The project site is located within the Neighborhood Services (C1) Zone, which is intended to offer commercial activities providing convenience goods and services to the surrounding residential neighborhood. A large (greater than 8,000 SF) food market that also sells beer and wine for off-site consumption is appropriate, as it provides an amenity to residential uses in the area; therefore, it is consistent with the desired land use for this district.

Within walking distance (1/4 mile) to the site, there are two schools (Glendale High School and Little Stars Day Care and Pre-School), one church (Calvary Chapel Glendale), one park (Carr Park), and residential uses. While these facilities and uses are within close proximity to the project site, there is no evidence that the existing food market operation and sale of beer and wine have been in conflict with these neighboring uses (there are no records from Police or Neighborhood Services of neighborhood complaints of the project within the past year). Furthermore, the conditions of approval will mitigate or prevent negative impacts to the neighborhood from the use. Therefore, the continued sale of beer and wine is not anticipated to be detrimental to the community or adversely conflict with the community's normal development.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are provided for the use and are existing. No changes to the existing landscaping or parking layout are proposed.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That the following criteria set forth in Glendale Municipal Code Section 30.49.030 (E) be considered in making the findings in subsection A through D above.

- 1) **That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration. As noted in**

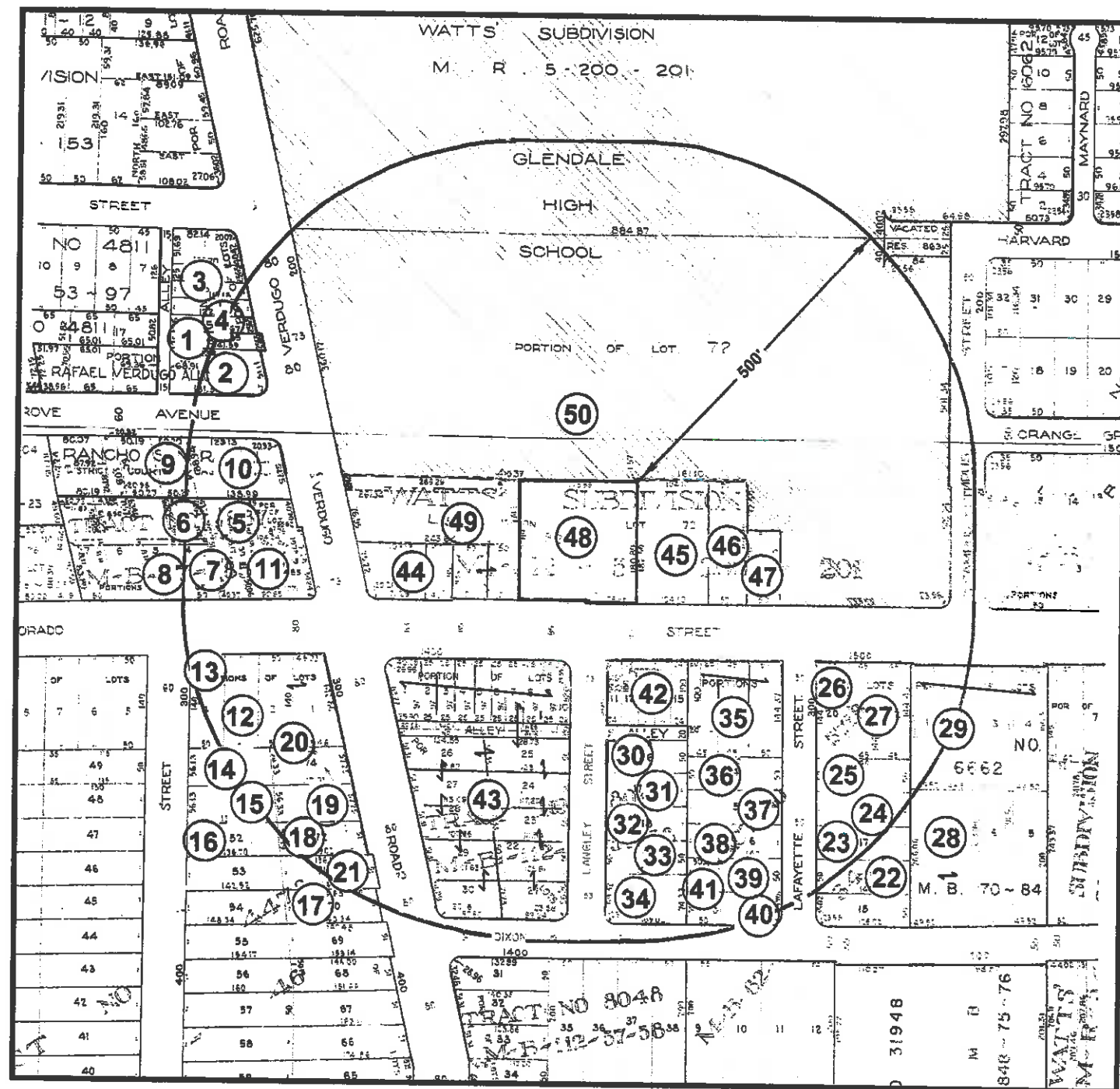
Finding B above, the off-site uses in the census tract do exceed the recommended maximum concentration; however, there were no alcohol-related police service calls to the subject site and the conditions of approval act to prevent any negative impacts to the neighborhood. Therefore, the use is not anticipated to intensify or otherwise contribute to any adverse impacts to the surrounding area caused by such over concentration.

- 2) **That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district.** As noted in Finding B above, the crime rate in the subject census tract is 25% above the city average; however, there were no alcohol-related police service calls to the subject site and the conditions of approval act to prevent any negative impacts to the neighborhood. Therefore, the use does not and will not encourage or intensify crime within the district.
- 3) **That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.** As more fully detailed in Finding C above, church, school, park, and residential uses are within walking distance (1/4 mile) to the site. While these facilities and uses are within close proximity to the project site, the suggested conditions of approval made by the Police Department and other conditions relevant to the project have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated. Further, the sale of beer and wine has been occurring at this location since 2003 with no apparent issues or impacts to the adjacent churches, schools, parks or residential uses.
- 4) **That adequate parking and loading facilities are or will be provided for the existing or proposed use, or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use.** The subject site will continue to provide 51 parking spaces, which exceeds the code required parking. Two bus stops (Metro and Beeline) are located within 500 feet walking distance that service several bus routes.
- 5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.** The applicant's request to allow the continued sale of beer and wine for off-site consumption at a food market does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure it will not adversely impact nearby businesses and residential uses.

For more information or to submit comments, please contact the case planner, Cassandra Pruett, at 818-937-8186 or cpruett@glendaleca.gov.

ATTACHMENT:

1. Location Map
2. Reduced Plans
3. Photos
4. Departmental Comments



PROPERTY OWNERS & OCCUPANTS

1425 E. Colorado St., Glendale, CA 91205

APN: 5680-023-012

Property Owner: Brentphil LLC

Prepared by Williams Land Use Services 818-542-4109



1"=200'
500' RADIUS

[illegible]

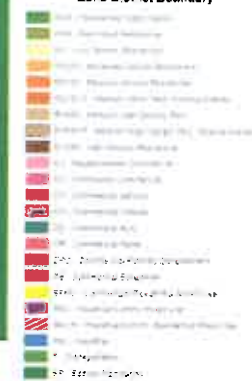
CONSULTANT

CITY OF GLENDALE
ZONING ATLAS MAP

401

THE LAYERS

Zone District Boundary



2007-2008 Specific Plan



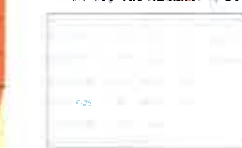
Overlay Zones

- H-Frame
- HD Heavy Girder
- Purling
- PRO Pinned Residential Development
- PRO Pinned Plan of Design
- PR Pinned Structure

October 18, 1993

- Order**

Index Map Title Number: 00-24



County: Maricopa State: Arizona
 Date: 11/10/2011 Time: 11:11
 IP: 192.168.1.100

Date Prepared: October 1, 2012

Prepared By: GLN Planning Group
 City: Phoenix State: Arizona

Figure 1. Schematic representation of the structure of the *hsp70* gene. The gene is divided into five exons (1-5) and four introns (1-4). The exons are represented by black boxes, and the introns by lines. The size of each exon and intron is indicated in base pairs (bp). The scale bar represents 1000 bp.



CITY OF GLENDALE

CITY OF GLENDALE
Planning Division
463 East Broadway, Room 10
Glendale, CA 91201-2102
Tel: 818/248-1115

1 ZONING MAP
SCALE: 1" = 100'



ARKO FOODS
1425 E. COLORADO ST.
GLENDALE, CA 91205

[illegible]

STAMP

SHEET TITLE

ZONING MAP

JOB No. _____
DATE DEC 2019
SCALE No. A 1/4"=1'-0"
DRAWN BY _____
SHEET NO. _____

A201

4

[illegible]**CONSULTANT**

PROJECT

ARKO FOODS
1425 E. COLORADO ST.
GLENDALE, CA 91205

[illegible]

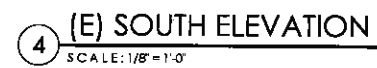
TAMP

SHEET TITLE

(E) ELEVATIONS

DATE DEC 30 19
SCALE No. AS E-1000
DRAWN BY _____
SHEET NO. _____

A301



5



A. SOUTH ELEVATION VIEW FROM E. COLORADO ST.



B. SOUTHEAST CORNER VIEW FROM E. COLORADO ST.



C. SOUTHWEST CORNER VIEW FROM E. COLORADO ST.



D. NORTH VIEW FROM PARKING LOT.



E. WEST ELEVATION VIEW FROM PARKING LOT



F. EAST ELEVATION VIEW FROM PARKING LOT



G. NORTHWEST CORNER VIEW FROM PARKING LOT



H. NORTHEAST CORNER VIEW FROM PARKING LOT

CITY OF GLENDALE
INTERDEPARTMENTAL COMMUNICATION
Community Development Department
Request for Comments Form (RFC)

DATE: 1/31/20

DUE DATE: 2/7/20

NOTE: If project comments are not received by the due date, it will be assumed that your department has no comments.

FROM: Betty Barberena

Tel. # 8162

PROJECT ADDRESS: 1425 E Colorado (Arko Foods International)

Applicant: Susie Fung

Property Owner: Howard and Virginia Aguilar

PROJECT DESCRIPTION:

Administrative Use Permit request for the continued sale of beer and wine for off-site consumption (ABC Type 20) at an existing food market (Arko Foods International).

PLEASE CHECK:

A. CITY ATTORNEY

B. COMMUNITY DEVELOPMENT:

- ☒ (1) Building & Safety
- ☒ (2) Economic Development
- ☐ (3) Housing
- ☒ (4) Neighborhood Services
- ☐ (5) Planning & Urban Design
EIF/Historic District

D. COMMUNITY SERVICES/PARKS:

E. FIRE ENGINEERING (PSC)

F. GLENDALE WATER & POWER:

- ☐ (1) Water
- ☐ (2) Electric

G. INFORMATION SERVICES
(Wireless Telecom)

H. PUBLIC WORKS (ADMINISTRATION):

- ☐ (1) Engineering & Land
Development
- ☐ (2) Traffic & Transportation
- ☐ (3) Facilities (city projects only)
- ☐ (4) Integrated Waste
- ☐ (5) Maintenance Services/Urban
Forester

x

J. GLENDALE POLICE

K. OTHER:

- ☒ (1) STATE-Alcohol Beverage
Control (ABC)
- ☐ (2) Tribal Consultations (EIFs)
- ☐ (3) City Clerk's Office

ENTITLEMENT(S) REQUESTED

Variance Case No.: _____

AUP/CUP Case No.: PAUP2000334

ADR/DRB Case No.: _____

Tentative Tract/Parcel Map No.: _____

Zone Change/GPA: _____

Other _____

**INTER-DEPARTMENTAL COMMUNICATION
PROJECT CONDITIONS AND COMMENTS**

Project 1425 E Colorado Project
Address: Case No.: PAUP2000334

If project comments are not received by the due date, it will be assumed that your department has no comments.

NOTE: Your comments should address, within your area of authority, concerns and potentially significant adverse physical changes to the environment regarding the project. You may also identify code requirements specific to the project, above and beyond your normal requirements. Applicant will be informed early in the development process. You may review complete plans, maps and exhibits in our office, MSB Room 103. We appreciate your consideration and look forward to your timely comments. Please do not recommend APPROVAL or DENIAL. For any questions, please contact the Case Planner ASAP, so as not to delay the case processing.

COMMENTS:

☒ This office **DOES NOT** have any comment.

☐ This office **HAS** the following comments/conditions. ☐ (See attached Dept. Master List)

Date 2/4/2020

Print Name Jackie Jouharian
Title: CSR x Dept. NS x Tel.: 3700

a. ADDITIONAL COMMENTS:

☐ 1.

b. CASE SPECIFIC CODE REQUIREMENTS: (these are not standard code requirements)

☐ 1.

c. SUGGESTED CONDITIONS: (may or may not be adopted by the Hearing Officer)

☐ 1.

Police

CITY OF GLENDALE
INTERDEPARTMENTAL COMMUNICATION
Community Development Department
Request for Comments Form (RFC)

DATE: 1/31/20

DUE DATE: 2/7/20

NOTE: If project comments are not received by the due date, it will be assumed that your department has no comments.

FROM: Betty Barberena Tel. # 8162

PROJECT ADDRESS: 1425 E Colorado (Arko Foods International)

Applicant: Susie Fung

Property Owner: Howard and Virginia Aguilar

PROJECT DESCRIPTION:

Administrative Use Permit request for the continued sale of beer and wine for off-site consumption (ABC Type 20) at an existing food market (Arko Foods International)

PLEASE CHECK:

<input type="checkbox"/> A. CITY ATTORNEY	<input type="checkbox"/> G. INFORMATION SERVICES (Wireless Telecom)
<input checked="" type="checkbox"/> B. COMMUNITY DEVELOPMENT:	<input type="checkbox"/> H. PUBLIC WORKS (ADMINISTRATION):
<input checked="" type="checkbox"/> • (1) Building & Safety	<input type="checkbox"/> • (1) Engineering & Land Development
<input checked="" type="checkbox"/> • (2) Economic Development	<input type="checkbox"/> • (2) Traffic & Transportation
<input type="checkbox"/> • (3) Housing	<input type="checkbox"/> • (3) Facilities (city projects only)
<input checked="" type="checkbox"/> • (4) Neighborhood Services	<input type="checkbox"/> • (4) Integrated Waste
<input type="checkbox"/> • (5) Planning & Urban Design EIF/Historic District	<input type="checkbox"/> • (5) Maintenance Services/Urban Forester
<input type="checkbox"/> D. COMMUNITY SERVICES/PARKS:	<input checked="" type="checkbox"/> J. GLENDALE POLICE
<input type="checkbox"/> E. FIRE ENGINEERING (PSC)	<input type="checkbox"/> K. OTHER:
<input type="checkbox"/> F. GLENDALE WATER & POWER:	<input checked="" type="checkbox"/> • (1) STATE-Alcohol Beverage Control (ABC)
<input type="checkbox"/> • (1) Water	<input type="checkbox"/> • (2) Tribal Consultations (EIFs)
<input type="checkbox"/> • (2) Electric	<input type="checkbox"/> • (3) City Clerk's Office

ENTITLEMENT(S) REQUESTED

Variance Case No.:

AUP/CUP Case No.: PAUP2000334

ADR/DRB Case No.:

Tentative Tract/Parcel Map No.:

Zone Change/GPA:

Other

**INTER-DEPARTMENTAL COMMUNICATION
PROJECT CONDITIONS AND COMMENTS**

Project Address: 1425 E Colorado Project Case No.: PAUP2000334

If project comments are not received by the due date, it will be assumed that your department has no comments.

NOTE: Your comments should address, within your area of authority, concerns and potentially significant adverse physical changes to the environment regarding the project. You may also identify code requirements specific to the project, above and beyond your normal requirements. Applicant will be informed early in the development process. You may review complete plans, maps and exhibits in our office, MSB Room 103. We appreciate your consideration and look forward to your timely comments. Please do not recommend APPROVAL or DENIAL. For any questions, please contact the Case Planner ASAP, so as not to delay the case processing.

COMMENTS:

- ☐ This office **DOES NOT** have any comment.
- ☐ This office **HAS** the following comments/conditions. ☐ (See attached Dept. Master List)

Date 02/06/2020

Print Name Jeff Newton
Title: Lieutenant CSR Dept. Police NS Tel.: 818-937-9898

a. ADDITIONAL COMMENTS:

- ☐ 1. Applicant Susie Fung is in the process of obtaining an Administrative Use Permit for the continued sale of beer and wine for the off-site consumption (ABC Type 20) at an existing food market DBA Arko Foods International located at 1425 E. Colorado Street.

Arko Foods International is located in census tract 3021.04 which allows for 2 Off-Sale establishments. There are currently 3 Off-Sale licenses in this tract. Arko Foods International is one of the existing 3. Based on arrests and Part 1 crime statistics for census tract 3021.04 in 2019 there were 208 crimes, 25% above the city wide average of 167.

Within the last calendar year there were a few calls for police service at the location. None of the calls were directly related to the sales of alcoholic beverages. I ran the applicant's name in house with no results.

Per the ABC website, Arko Foods International has an "active" Type 20 liquor license (Off-Sale Beer and Wine), license #413666.

b. CASE SPECIFIC CODE REQUIREMENTS: (these are not standard code requirements)

- ☐ 1.

c. SUGGESTED CONDITIONS: (may or may not be adopted by the Hearing Officer)

- ☐ 1. The sale of alcoholic beverages should be restricted to avoid late night sales.
- 2. Sales of alcoholic beverages shall be permitted only between the hours of _____ and _____ each day of the week (hours to be determined by the Planning / Zoning Administrator – week night and weekend restrictions may be considered).
- 3. Individual unit sales of alcoholic beverages should be restricted. No individual unit sales for beer should be allowed. No individual unit sales for wine less than a full sized bottle should be allowed. This can reduce the potential for individuals to buy one or two units and walk outside to consume them on or near the premise.
- 4. The store should provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
- 5. Store display racks should be positioned such that they are in a clear line of sight by management and staff with no restricting view.
- 6. Signs should be posted clearly specifying no sales to minors or intoxicated persons.
- 7. Appropriately lighting for the display areas where alcoholic beverages would be sold should be required.
- 8. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming an alcoholic beverage on the property, adjacent properties or otherwise making disturbances in the area.
- 9. The sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
- 10. Signs indicating no loitering or trespassing should be posted.
- 11. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.